

E.S.
3/2/90

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
Plaintiff,)
)
and)
)
THE STATE OF ILLINOIS,)
Realigned Plaintiff,)
)
v.)
)
VILLAGE OF SAUGET, ILLINOIS,)
Defendant.)

Civil Action No. 88-5131
Hon. William Beatty

**MEMORANDUM IN SUPPORT OF JOINT MOTION FOR
EXTENSION OF PRETRIAL SCHEDULE AND TRIAL DATE**

Plaintiff, the United States, realigned Plaintiff, the State of Illinois, and Defendant, the Village of Sauget, Illinois ("the parties") respectfully move this Court for a sixty (60) day extension for taking depositions, a corresponding sixty (60) day extension for filing dispositive motions, and further request that the trial date be moved from the June 1990 docket to the September 1990 docket. In support of their motion, the parties state:

On June 27, 1989, the Court issued an order establishing a pretrial schedule for this case. That order required that depositions be completed no later than January 15, 1990, that dispositive motions be filed no later than April 15, 1990, and set the trial date for the June 1990 docket. Subsequently the parties filed motions for an extension of the deposition date,

000000

and the Court revised the June 27, 1989 order to require that depositions be completed by March 15, 1990.

In the past three months the parties have twice appeared before the Court to resolve a motion to dismiss certain claims for relief, a motion to strike affirmative defenses, (See December 15, 1990 order) and cross motions to compel discovery. (See February 2, 1990 order). At the time of both hearings the Court strongly urged the parties to devote more time to settling the case.

Since the time of the last court appearance the parties met on February 6, 1990, and exchanged settlement positions. Progress is being made toward settlement. Another meeting is scheduled for February 27, 1990, which will be attended by Sauget's technical consultants and attorneys, the U.S. Environmental Protection Agency's technical staff and attorneys, the State of Illinois' representatives, and representatives from the Army Corp of Engineers. The direct involvement of the Corp of Engineers in these settlement discussions is viewed as a positive step toward resolving some permitting questions that have previously slowed progress toward settlement. Granting the requested extension will give the parties a realistic opportunity to resolve this lawsuit without going to trial.

Further, since the parties' last court appearance on February 2, 1990, depositions have commenced. During the course of depositions it was discovered that some documents had been omitted from production. Those documents are now being located,

and will need to be produced and reviewed before some depositions can be resumed. Granting the requested extension will also provide all parties with an opportunity review any such missing documents.


For the reasons stated above, all three parties to this action request the Court to approve this extension, and to sign the attached order modifying the pretrial schedule and the trial date.

Respectfully submitted,

UNITED STATES OF AMERICA

RICHARD B. STEWART
Assistant Attorney General

By:


Jeffrey M. Karp
Lisa A. Cherup
Environmental Enforcement Section
Land and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044
(202) 633-2802

STATE OF ILLINOIS

James L. Morgan
Assistant Attorney General
State of Illinois
Environmental Control Division
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

VILLAGE OF SAUGET, ILLINOIS *

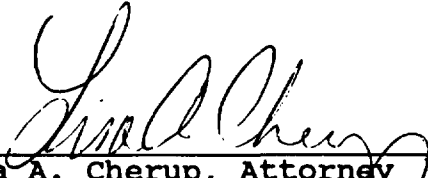
Susan M. Franzetti

Susan M. Franzetti
GARDNER, CARTON & DOUGLAS
321 N. Clark Street
Chicago, Illinois 60610-4795
(312) 245-8724

- * The Village does not necessarily join in or confirm all of the statements in the foregoing Memorandum. To belabor the point might, however, constitute "quibbling" and not represent efficient use of the Courts and the parties' time. The Village, therefore, joins in the Motion.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that foregoing Motion for an Extension, Memorandum in Support thereof, and Order were served upon the following by U.S. Mail, postage prepaid, on this second day of March, 1990.



Lisa A. Cherup, Attorney
Environmental Enforcement Section
Land & Natural Resources Division
U.S. Department of Justice

James L. Morgan, Esq.
Assistant Attorney General
State of Illinois
Environmental Control Division
500 South Second Street
Springfield, Illinois 62706

Susan M. Franzetti
Gardner, Carton & Douglas
Quaker Tower-Suite 3400
321 North Clark Street
Chicago, Illinois 60610-4795

Harold G. Baker, Jr., Esq.
56 South 65th Street
Belleville, Illinois 62223